

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARVIN COLLIER,

Plaintiff,

V.

CITIMORTGAGE, INC.,

Defendant.

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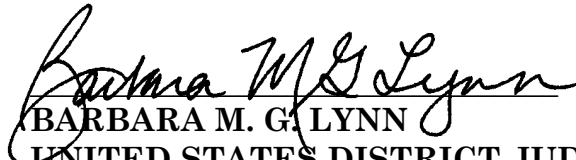
No. 3:14-CV-906-M-BN

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case on July 31, 2014. *See* Dkt. No. 14. No objections were filed. The District Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

Defendant's Motion to Dismiss for Failure to State a Claim [Dkt. No. 5] is GRANTED WITH PREJUDICE as to Plaintiff's claims based on: (1) Defendant's lack of standing to foreclose; (2) common-law fraud insofar as it is based on Defendant's lack of authority to carry out actions against Plaintiff; (3) breach of contract based upon Defendant's breach of the Deed of Trust; and (4) breach of contract based on Defendant's breach of a loan modification review, and GRANTED WITHOUT PREJUDICE as to (1) Plaintiff's claim for Defendant's breach of the duty of good faith and fair dealing and (2) Plaintiff's request for injunctive relief.

SO ORDERED this 22nd day of August, 2014.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS